

Concerning Recalcitrant Tuberculous Patients—Legal Opinion:

CITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF PUBLIC HEALTH

Dear Doctor Kress:

For your information, I am enclosing a copy of an opinion of City Attorney John J. O'Toole, regarding quarantine or enforced isolation of the recalcitrant tuberculous.

Sincerely,

(Signed) J. C. GEIGER, M. D.,
Director.

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Opinion of City Attorney

May 6, 1943.

Subject: In Re: Quarantine or Enforced Isolation of the Recalcitrant Tuberculous.

Dear Sir:

I have your letter under date of April 29 reading as follows:

"The following is taken from the California State Department of Public Health Report to Governor's Council:

"*Enforced Isolation of the Recalcitrant Tuberculous.*

"On March 20, fifty superintendents of tuberculosis sanatoria, district attorneys, social workers and health officers attended a conference on the enforced isolation of the recalcitrant tuberculous in the Los Angeles office of the California State Department of Public Health. Many difficulties related to the problem were clarified during the five hours of discussion, particularly the power of the local health officer and his key position in the enforcement of isolation of the recalcitrant infectious tuberculous. While the officials in attendance upon the conference represented a wide diversity of interests, there was general agreement that action must be taken to prevent the continued contact of recalcitrant infectious tuberculosis cases with individuals who may not be immune to this disease."

"Please advise what action we may take in cases of this type."

Opinion

The matters mentioned in the Governor's report are covered by the provisions of Articles 1, 2, 3 and 4 of the Health and Safety Code. Your attention is respectfully directed to the following sections:

"*Sec. 2571. Diseases to be reported. Protective measures.*

"The following shall be properly reported in writing to the State department by the health officer:

"Chickenpox, erysipelas, pneumonia, epilepsy, uncinariasis or hookworm, epidemic cerebrospinal meningitis, trachoma, whooping cough, mumps, dengue, dysentery, tuberculosis, typhoid fever, tetanus, malaria, leprosy, measles, German measles, glanders and anthrax affecting human beings, rabies, pellagra, beriberi, syphilis, gonococcus infection, poliomyelitis, and any other disease which appears to have become epidemic.

"This list of reportable diseases may be changed at any time by the State department.

"The diseases enumerated in this section, and such others as from time to time may be added by the State department, shall be quarantined whenever in the opinion of the State department that action is necessary for the protection of the public health, and shall be isolated whenever in the opinion of the department or health officer, isolation is necessary for the protection of the public health. (Enacted 1939; amended by later act passed at the same session, Stats. 1939, Ch. 375.)"

"*Sec. 2600. Noncompliance with department rules, etc.*

"Any person who, after notice, violates, or who, upon the demand of any health officer, refuses or neglects to conform to, any rules, order, or regulation prescribed by the State department respecting a quarantine or disinfection of persons, animals, things, or places, is guilty of a misdemeanor. (Enacted, 1939.)"

"*Sec. 2601. Exposure of self or another to communicable disease.*

"Except in the case of the removal of an afflicted person in a manner the least dangerous to the public health, any person afflicted with any contagious, infectious, or communicable disease who wilfully exposes himself; and any person who wilfully exposes another person afflicted with such disease in any public place or thoroughfare is guilty of a misdemeanor. (Enacted 1939.)"

"*Sec. 2602. Other violations: Separate offenses.* Any person who violates any section in Article 3 of this chapter, with the exception of 2555, is guilty of a misdemeanor, punishable by a fine of not less than twenty-five nor more

than five hundred dollars, or by imprisonment for a term of not more than ninety days, or by both. He is guilty of a separate offense for each day that the violation continues. (Enacted 1939)."

You will note that Section 2571 provides that the communicable diseases mentioned in the section must be reported to the State Department of Health by the health officer. The last provision of the section provides that these diseases shall be quarantined "whenever in the opinion of the State department that action is necessary for the protection of public health."

Section 2601 makes the violation of the provisions of that section a misdemeanor. Therefore, it appears to me that, if there are persons within your jurisdiction who are suffering from recalcitrant tuberculosis in an infectious stage, such cases should be reported to the State Department of Health, and if the last mentioned department believes they should be isolated or quarantined, the department may authorize you to make the quarantine, and the breaking of the quarantine may be punished as a misdemeanor on application to the District Attorney.

Very truly yours,

(Signed) JNO. J. O'TOOLE,
City Attorney.

(Ed. Note: On this subject, see articles in the Tuberculosis Supplement of this issue.)

Concerning Aid Rendered by the California Medical Association in Support of Conservation of Hearing Laws:

(COPY)

CALIFORNIA COMMITTEE FOR HARD-OF-HEARING
CHILDREN

Santa Monica, California,
June 12, 1943.

Dear Doctor Kress:

I desire to express my sincere appreciation to you and to all of your officers and members who so kindly supported A. B. 257 and A. B. 1222, which the Governor signed.

I believe the medical profession in California can make a real contribution in the proposed conservation of hearing program. The otologists will take the lead, as it lies within their special field, but I realize fully that all the physicians who deal with children come into the picture. So do the scientists who are attacking the so-called "common colds," prolific generator of respiratory infections which often start hearing troubles. . . .

The next time I am in San Francisco I shall make it a point to see you. . . .

1303 Georgina Avenue.

Sincerely yours,

CONRAD G. SELVIG,
Secretary-Treasurer.

Concerning a Letter of Appreciation for Services Graciously Rendered by a Physician:

(COPY)

U. S. NAVY RECRUITING STATION
Federal Office Building, Civic Center
San Francisco, California

15 May, 1943.

Lloyd Bryan, M. D.
A. Justin Williams, M. D.
450 Sutter Street
San Francisco, California.

Gentlemen:

We find that during the past year you have made, without charge to us, in the neighborhood of one thousand x-ray films.

The major portion of these films have been chest pictures requiring large-sized films, so we fully appreciate the time and expense you have been put to in doing this work.